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to Jesse
& Steve
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mailed
letter &
Attachments
to Jesse
& Steve
Petit
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8OC

February 14, 2006

Jesse Stamper
General Partner
VBS LLP
630 West 3rd Avenue
Denver, CO 80023

FAX: (303) 291-0503

RE: 3701 Vine Street, APPRX, Denver, CO 80205

Dear Mr. Stamper,

As part of the Vasquez Boulevard and Interstate 70 (VB/I-70) Superfund Site investigation, we received a signed access agreement from you, authorizing us to take soil samples at your property to find out if there is too much lead or arsenic in your yard. This sampling has been completed and EPA should receive the results of this sampling within two to three weeks.

Should the results show levels of arsenic above 70 parts per million (ppm) or levels of lead above 400 ppm, EPA will remove the top 12 inches of your yard soil and replace it with clean soil. EPA will then work with you to re-landscape your property, if appropriate. All work will be completely free to you as the property owner. Once the cleanup at your property is complete, EPA will no longer consider your property to be a part of the VB/I-70 Superfund Site.

If your results show levels of arsenic below 70 ppm or levels of lead below 400 ppm, then EPA does not believe there is a significant health risk to address, and no cleanup will be required. EPA will no longer consider your property to be part of the VB/I-70 Superfund site.

EPA strongly encourages you to hold off on construction at your property until you receive the results of the soil sampling, and if necessary, until after EPA removes and replaces the soil at your property. If your property does require a cleanup, EPA will not hold you, as the owner, liable for the cleanup, unless you polluted the site or made existing pollution problems worse.

Further, it is not generally EPA's policy to hold lenders liable for contamination if they merely loan money to an owner of a property, provided that lenders do not participate in daily management. Please see the property issues fact sheet and the portion of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that has to do with lender liability which I've included with this letter.

Please feel free to contact me for any further information on this issue.

Sincerely,



Jennifer Chergo
Office of Communication and Public Affairs
The Environmental Protection Agency, Region 8
999 18th Street, Ste. 300
Denver, CO 80202
(303) 312-6601



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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 103--COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY

SUBCHAPTER I--HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

Sec. 9601. Definitions

For purpose of this subchapter--

(1) The term "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(2) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(3) The term "barrel" means forty-two United States gallons at sixty degrees Fahrenheit.

(4) The term "claim" means a demand in writing for a sum certain.

(5) The term "claimant" means any person who presents a claim for compensation under this chapter.

(6) The term "damages" means damages for injury or loss of natural resources as set forth in section 9607(a) or 9611(b) of this title.

(7) The term "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act [42 U.S.C. 300f et seq.]) or as drinking water by one or more individuals.

(8) The term "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 et seq.], and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

(9) The term "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

(10) The term "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act [33 U.S.C. 1342], (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or anticipated



Superfund Today



Property Owner Rights



Property Values



Buying & Selling Property



Liability

How Can a Superfund Site Affect My Property? *Answers to Frequently Asked Questions*

If you are like most people faced with the possibility or certainty of a hazardous waste site in your community, you probably have many questions about what is happening and how you will be affected. Concerns about your property may be an issue. How will my property values be affected? Who pays for cleanup? Who can help me? This fact sheet answers many of these questions; however, the information applies only to sites under the U.S. Environmental Protection Agency's (EPA) Superfund program.

What Is Superfund?

EPA's mission is to protect human health and to safeguard the natural environment. In support of this mission, the Superfund program responds to threats posed by uncontrolled releases of hazardous substances into the air, water, and soil. Releases that pose immediate threats are responded to first. EPA then determines if there is a need for long-term cleanup of hazardous wastes. Sites that require a long-term cleanup are added to Superfund's National Priorities List (NPL). When a site is on the NPL, it undergoes a comprehensive evaluation to determine the nature and extent of contamination, an estimation of current and future risks, an analysis of cleanup alternatives, and the design and construction of the selected cleanup plan. EPA ensures that sites are cleaned up to a level that protects people who live, work, or play on or around the site, including community members who may be at greater risk, like the elderly and children.

While the Superfund program focuses on protecting a community's health and surroundings, EPA understands that cleanup activities may directly affect individual properties. Within the limits of the Superfund law, EPA works with the affected community to find a cleanup solution that is safe, effective, and minimally disruptive. EPA recognizes the importance of working closely with affected residents to provide accurate information about the site and respond to your concerns. EPA is always willing to answer any of your questions and invites your feedback.

The following pages provide the answers to questions most commonly asked about the effects of hazardous waste sites on people's property. The questions are divided into four areas: property owner rights; property values; buying and selling property; and liability. The answers will help you understand how EPA can assist you and direct you to other resources that are available to help you. By understanding Superfund's responsibility for hazardous waste sites in your area, you can take an active role in protecting the health of your community and the value of your property.

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